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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,426	07/03/2003	Vikram Devdas	CISCP816	5113
54406	7590	08/02/2006	EXAMINER	
AKA CHAN LLP / CISCO 900 LAFAYETTE STREET SUITE 710 SANTA CLARA, CA 95050			TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/613,426

Applicant(s)

DEVIDAS ET AL.

Examiner

Saba Tsegaye

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 30.20 months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

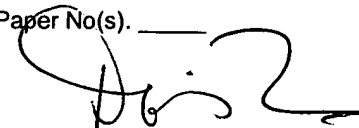
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 3. NOTE: Claim 1, further claiming "the information comprising an indication that the remote transport interface has received tha at least one of said GFP-encapsulated client data frames having the identification tag"; and "sent after the at least one of said GFP-encapsulated client data frames having the identification tag" that raise new issues that would require futrher consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner believes that the claims, given their broad reasonable interpretation, read on the references applied.

Applicant argues (11) that Smith does not teach or suggest a mechanism that can transmit one or more frames when indications are not received. Examiner disagrees with Applicant contention. It is respectfully submitted that the rejection is based on the combined teachings of the Smith reference and Ghose reference and that the Ghose reference teaches that by using a bit vector within SACK (well know technique for selective acknowledgment), the sender is told explicitly the packets in the group that have been received properly and the ones that have been lost. Furthermore, Ghose teaches that Credits are used to sense congestion along the links, each link can modify the system. The credits in combination with congestion bit flags are used to control the sending rate. In addition, Ghose teaches that buffer-to-buffer credits implements flow control and negative acknowledgements to implement reliable delivery. Credits also serve as an implicit acknowledgement of the correct receipt of the bytes transmitted using the prior credit values (see 0054-0055).

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In response to Applicant's argument (page 11) that Smith does not recognize, nor does he suggest that *a robust buffer capacity reporting mechanism would enable the transmitter to self correct its view of the far side buffer capacity during a glitch*. Examiner respectfully disagrees. *The limitation on which the Applicant relies (i.e., the transmitter to self correct its view of the far side buffer capacity during a glitch)* is not stated in the claims.

Smith discloses the data packet protocol rules dictate that the number of packets in transit on the link cannot exceed the buffer credits assigned to the link. The transmitter is able to transmit a frame along the link only if the receiver has indicated it can accept the frame. In addition, Ghose teaches that buffer-to-buffer credits implements flow control and negative acknowledgements to implement reliable delivery. Credits also serve as an implicit acknowledgement of the correct receipt of the bytes transmitted using the prior credit values (see 0054-0055). This clearly shows that the receiver reporting mechanism would enable the transmitter to self correct its view of the far side buffer capacity during a glitch.

Applicant argues (page 12) that Smith does not suggest applying an identification tag to at least an initial one of said GFP-encapsulated client data frames. It is respectfully submitted that the rejection is based on the combined teachings of the Smith, Ghose and Roe references. Ghose teaches that credits are used to sense congestion along all the links, each link can modify the system. The credits in combination **with congestion bit flags are used to control the sending rate (0051; 0060-0061)**. Roe teaches a round trip delay measurement service packets will be sent by a source to a destination, including a time tag representing the frame transmission time. The round trip delay is calculated by the source based on the time tag value received (paragraph 0115).

Applicant argues (page 13) that combining Smith with any of the other reference of record in this application does not and cannot function to recover from a network glitch. None of the cited references, either alone or in combination, suggest tracking individual tagged frames, determining the transmit time or the number of frames in transit following the receipt of the acknowledgment that the tagged frame was received as well as determining the number of bytes that have been read out of the buffer on the far side. Examiner respectfully disagrees. Ghose teaches that credits are used to sense congestion along all the links, each link can modify the system. The credits in combination **with congestion bit flags are used to control the sending rate (0051; 0060-0061)**. The credits also serve as an implicit **acknowledgement of the correct receipt of the bytes transmitted using the prior credit value**. Roe teaches a round trip delay measurement service packets will be sent by a source to a destination, including a time tag representing the frame transmission time. The round trip delay is calculated by the source based on the time tag value received (paragraph 0115).

Still on page 13, Applicant argues that even if Smith and Ghose were combined in the manner suggested by the Examiner, there is no mechanism that applies identification tags to at least one frame and then monitors round trip transit time and in-transit frames. It is respectfully submitted that the rejection is based on the combined teachings of the Smith, Ghose and Roe references. Roe teaches a round trip delay measurement service packets will be sent by a source to a destination, including a time tag representing the frame transmission time. The round trip delay is calculated by the source based on the time tag value received (paragraph 0115).

On page 14, Applicant argues that Roe does not teach or suggest determining the number of frames in transit after acknowledgment of receipt of the tagged frame. Further, combining the

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teachings of Roe with Smith and Ghose does not suggest the present invention because Smith and Ghose are both concerned with managing buffer credit and not transit time. It is respectfully submitted that the rejection is based on the combined teachings of the Smith, Ghose and Roe references. Ghose teaches that credits are used to sense congestion along all the links, each link can modify the system. The credits in combination **with congestion bit flags are used to control the sending rate (0051; 0060-0061)**. The credits also serve as an implicit **acknowledgement of the correct receipt of the bytes transmitted using the prior credit value (see also paragraph 0117)**. Roe teaches a round trip delay measurement service packets will be sent by a source to a destination, including a time tag representing the frame transmission time. The round trip delay is calculated by the source based on the time tag value received (paragraph 0115).